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ABSTRACT

Questions about the appropriateness and goals of academic collective bargaining and its historical foundations are discussed. It is contended that collective bargaining insures that the principles of academic governance are practiced democratically. European universities had been nurtured for centuries on the medieval tradition of faculty self-government. American academic governance, on the other hand, has been structured from the top down; the trustees are, in law, the college or university and can legally hire and fire faculty members and make almost all the decisions governing the institution. Labor struggles in industry and the movement by public school teachers for unionization and collective bargaining appear to be factors that stimulated the appearance of academic senates at universities. The industrialization and systemization of the university has limited faculty self-expression and resulted in losses of rights and privileges. Through collective bargaining, faculty members have sought group freedom and academic democracy. Academic democracy means the establishment of democratic structures within the academy through which rational solutions to complex problems can be worked out and mutually agreed upon. Academic democracy in teaching, the connection between academic freedom and tenure, and academic democracy in university planning and research, and in hiring and promotion practices are discussed. (SW)

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BARGAINING FOR ACADEMIC DEMOCRACY

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Alfred Loewenthal and Robert Nielsen are former college faculty members now on the staff of the American Federation of Teachers. Loewenthal, who taught at Rutgers University, is assistant to the AFT president, while Nielsen, who taught at the University of Delaware, heads the AFT's department of colleges and universities.

BARGAINING FOR ACADEMIC DEMOCRACY

DOES TRADE-UNIONISM THREATEN THE PRINCIPLES OF ACADEMIC SELF-GOVERNANCE AND SHARED AUTHORITY? ON THE CONTRARY, ASSERT THE AUTHORS. COLLECTIVE BARGAINING INSURES THAT THE PRINCIPLES OF ACADEMIC GOVERNANCE ARE PRACTICED DEMOCRATICALLY. THROUGH THIS ARTICLE, THEY SAY, "WE HOPE TO BRING SOME ORDER AND RATIONALITY TO THE CURRENT DEBATE ABOUT THE APPROPRIATENESS, PURPOSES, AND GOALS OF ACADEMIC COLLECTIVE BARGAINING. THE NEED IS GREAT, FOR WHILE THERE IS MUCH HUFFING AND PUFFING AND PONTIFICATING, COMBINED WITH A GOOD DEAL OF EMOTIONALISM SURROUNDING THE PRESENT DISCUSSION, THERE ARE ALSO MANY GENUINE PROBLEMS AND QUESTIONS REQUIRING HONEST ANSWERS AND REASONED SOLUTIONS."

By ALFRED LOEWENTHAL AND ROBERT NIELSEN

I. UNIONIZATION AND THE COMING OF THE COMMUNITY OF SCHOLARS

Collective bargaining for college and university staff members is now almost eight years old. Conceived much earlier, academic collective bargaining was born in the late 1960s. It is in many ways the illegitimate and unexpected child of the public-school teacher-union movement. However conceived, it is now a well-established and major new power force within higher education. With more than 25 percent of college professional employees bargaining on more than 500 campuses, no one can any longer seriously question its permanence. It will continue its rapid expansion for many years to come.

Like most new movements, college-level collective bargaining has stirred intense controversy and spawned myriad theories as to its causes, effects, and future. Central to these deliberations is the relationship between collective bargaining and traditional faculty-administrative relationships coming under the overused, though ill-defined, and sometimes fictional, rubric of faculty governance. The questions raised are common to nearly every campus in the country regardless of geographic location, "stature," or category of the institution. Will collective bargaining change current faculty-administrative relationships? Is the adversary relationship a consequence of collective bargaining or the precedent fact that invited it? Will unionism impose an industrial model on the academy? Are tenure and academic freedom negotiable? Is collective bargaining incompatible with the current concepts of shared authority? These and many more questions currently are being debated off and on U.S. campuses.

Academic governance: folklore and current practice

To the extent that there is agreement and advocacy, the term "governance" involves both the method and degree of staff participation in institutional decision-making. It is often argued by management that this participation can be accomplished through various senate-type structures. But we need to be aware of the fact that the emergence of campus senates is a rather recent phenomenon in the majority of institutions. That their development coincides with the growth of campus unions is hardly accidental.

The senates have in most places replaced general meetings of the faculty and staff. There is a psychological need for these general meetings—if we desire that the university function as a community of scholars. No representative structure can fulfill the traditional need of this community to identify itself—in town hall fashion—with the university. To fill this void, union membership meetings have come to perform this important function on many campuses.

Finally, senate "decisions" in almost all cases are subject to presidential veto. Their advisory role is often euphemistically called "shared authority" but is inconsistent with democratic principles.

The basic problem with the principles and practices of "shared authority" in a modern American college or university is that the parties involved in the process have different perceptions of its meaning. Staff and management have distinct expectations of what can be achieved through shared authority. The faculty sometimes expects to obtain full control over promotion and tenure decisions, program changes, and salaries. Management, on the other hand, desires to exercise final authority in these matters, but will allow, occasionally, consideration of some staff recommendations. It is hardly an interacting democratic relationship.

In a recent article, Sidney Hook made the assertion that "faculties today have more actual power in virtue of the recognition of their professional authority than they have ever had before in American history." This may be true for some who, as a result of acclaim received for academic achievements or public service, enjoy a very favorable institutional situation at their universities, but as a generalization the statement is unrepresentative of the actual situation of the bulk of the American professoriate.

The issue is stated but immediately obfuscated, in the conclusion of the same article, with these ambivalent words: "Under ideal conditions, I would place my faith on the processes of rational collegiality. But conditions are not ideal. Some form of collective bargaining seems historically inescapable, even if not ideally desirable."

Hook makes two additional comments that are relevant to our theme: (1) "Democracy in an extended sense is an ethical concept, and involves quality of respect and concern in relevant respect for all members of the academic community." But, (2) he is not certain about granting tenure "unless it is given after careful assessment of academic quality." Except for this issue, as it relates to academic freedom on ". . . educational policy," he grants, "institutions should insist that whatever the appeal procedure, the last word should be spoken by the faculty as a whole or its representatives."

At no point in his article is trade-unionism for the professoriate forthrightly advocated, although it is conceded after a reference to statistical surveys undertaken by Seymour Lipset, that there is "every likelihood that collective bargaining is the wave of the academic future."

Hook's inconclusive comments are probably not atypical of many academics who have been trying to come to grips with collective bargaining during this period of inflation, retrenchment of personnel, and program cutbacks.*

Roots of the academic senate

Many university faculties believe that academic senates are a modern adaptation of the ancient community of scholars. However, many are discovering by their experience that this is a lament for Paradise Lost.

The idea of a community of scholars is not of American origin. It is thoroughly European, rooted in the word "university," which denoted the totality of an organized body of masters, or guilds—the progenitors of modern trade unions. As a development in the Middle Ages, after evolving from cathedral schools and monasteries, the universities went on to become formalized institutions of higher learning.

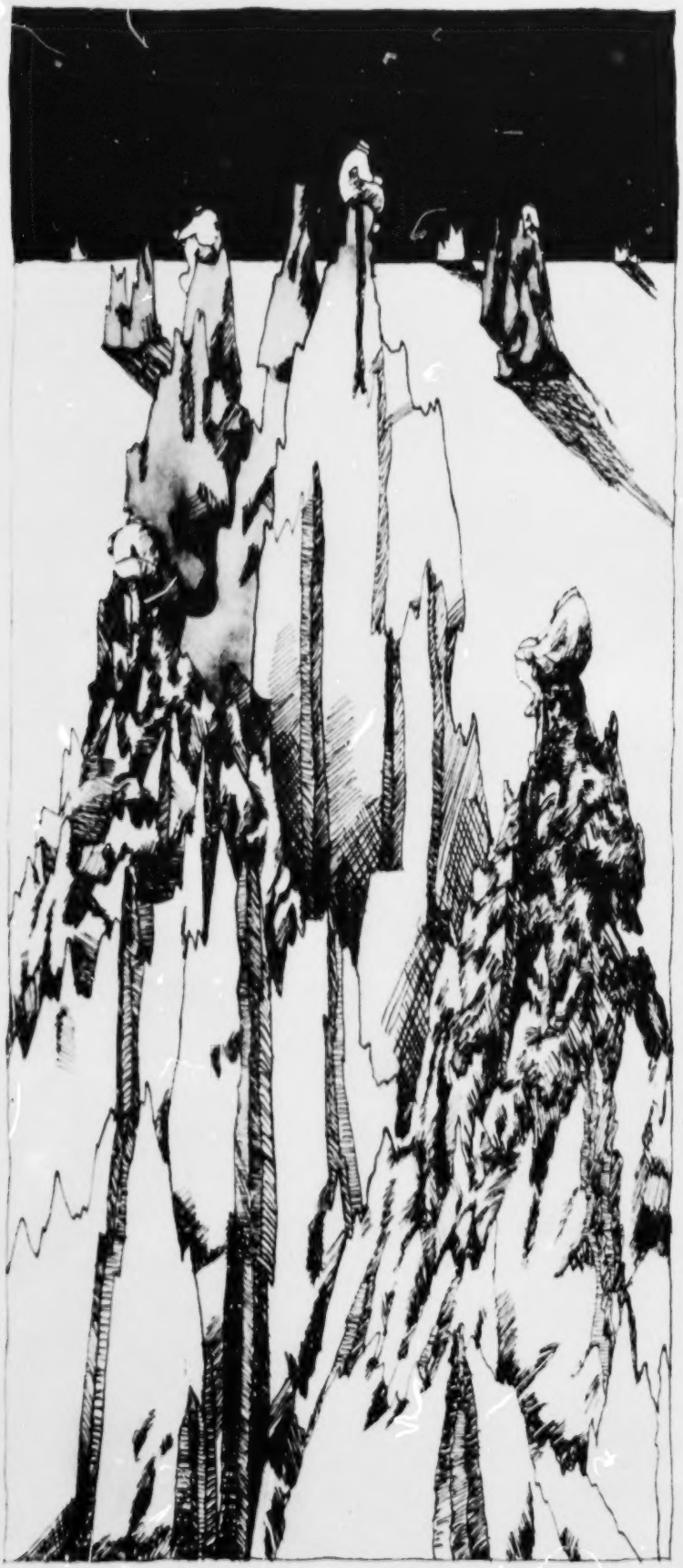
If the concept of a community of scholars has appeal to the American professoriate, then recollections of the European experience should include the fact that "the university of teachers was designed to protect their rights against the chancellor, bishop, the king, the town, or anyone else who tried to bring them under control." Occasionally, they struck. Before the end of the 12th Century, the masters at the University of Paris won the right to strike from Louis VII. This—at the level of higher education—was the first legalization in history of the right of teachers to strike.

European universities had been nurtured for centuries on the medieval tradition of faculty self-government. In America, this has yet to occur.

Here, the evolutionary history of the university is sharply different. The pattern was denominational sponsorship. Academic governance had taken on its essential features by the middle of the 18th Century. It was from the top down. Its pattern was lay government.

"The essence of lay government," writes Richard Hofstadter in "The Colonial Colleges," "is that the trustees, not the faculties, are, in law, the college or university, and that, legally, they can hire and fire faculty members and make

*However, a recent poll (Chronicle of Higher Education, Feb. 9, 1976) shows that most faculty already seems to have made up their minds in favor of collective bargaining, with 72 percent saying they would vote for it if given the opportunity.



almost all the decisions governing the institution. This," he points out, "has hampered the development of organization, initiative, and self-confidence among American college professors. . . ."

In the beginning, in the early American universities, the bulk of college teaching was in the hands of a group of "youngsters" for whom teaching was only a bypath to more desired careers, continues Hofstader. "Thus, between the trustees, who had the legal capacity but not the time or energy to govern, there was created a power vacuum. This vacuum the presidents quickly began to fill. The president was the only teacher who possessed enough status, power, and confidence to wage a battle with the trustees or repressive forces in the community on behalf of religious or intellectual freedom."

The inroads of industry

Not until the passage of the Morrill Act of 1862, under which the federal government offered aid to the states that would support colleges whose curricula included agricultural and mechanical instruction, did faculty competence and size change. Public money and philanthropy began to replace local denominational funding. But at the same time, true to the established tradition of trustee control, governance remained virtually intact, except that during this period and into the 20th Century, more and more trustees were drawn from the new industrialist class. An example: nine directors of the Chase Manhattan Bank, seven of General Motors, eight of Standard Oil of New Jersey, five of Ford Motor Co., and 11 of General Electric were serving on 17 major university boards (David N. Smith, "Who Rules the Universities?", 1974).

To these industry representatives, we must attribute the post-Civil War expansion of the university curriculum, as well as the founding of graduate schools. In 1850, only eight graduate students had existed. By 1871, this expanded to 198; by 1890, 2,382; and by 1900, graduate students rose to 5,668. The needs of the expanding manufacturing society were being served. While university governance remained the same, the beginnings of struggle were discernible. In 1918, Thorstein Veblen wrote that in the early years of the century, many battles were fought between trustees and faculty over "the shape of the curriculum, the content of particular courses, or the use of particular books."

This period was also the watershed time of industrial conflict which set a pattern in industrial-labor relations that heralded the future academic senate.

After the Ludlow Massacre of April, 1914, which occurred during the coal miners' strike against the Rockefeller-owned Colorado Fuel & Iron Co., outraged public opinion had to be appeased. The Standard Oil Co. engaged a labor-relations specialist who recommended a new concept in labor-management relations—an employee-representational plan. The main feature of the plan was to give employees representation and voice, but retain the real power for the corporation. Thus, a stopgap to unionism was innovated which was to become known and despised as company unionism. It lasted for a generation until outlawed by the National Labor Relations Act of 1935.

A model for academic senates?

Employee-representational plans were put into effect by major concerns such as General Electric and Goodyear Rubber. W. L. MacKenzie King, the labor-relations expert hired by Rockefeller (later to become the Prime Minister of Canada), designed the plan and called it the "voice in the management." The description "joint control" he rejected as a misnomer. "Partnership" was the term he liked. "Partnership is essentially a matter of status," he said. "... it implies equality, as respects the right of representation, in the determination of policy on matters of common interest."

Interestingly, the Goodyear Tire and Rubber Co. refined its Industrial Representation Plan to include a senate and a house of representatives. Typically, the rules gave veto power to the factory manager. The rules further provided that a veto could be overridden by a two-thirds vote of both houses. If these hurdles were accomplished, the proposition still required the ratification of the executive management of the Goodyear factory. It was stacked against their employees.

Many years later, after the close of World War II when labor struggles for higher pay occurred to overtake wartime inflation, when craft and industrial unions engaged in militant organizational drives, when public-school teachers were preparing the long march to unionization and collective bargaining, the idea of an employee-representational plan reappeared; academic senates at universities somehow surfaced into faculty view as though pushed up by a hidden hand.

Who stimulated the appearance of the academic senates? And for what purpose? Much research will have to be done before a conclusive answer can be given. But we can make reasonable assumptions and some educated guesses.

It is clear beyond mere coincidence that several obvious factors were influential.

1. Public-school teachers were organizing into unions. Inevitably, this was to be felt on university campuses. Faculties and staffs would become curious, then interested, and finally turn to activism.

2. The salaries of professionals in industry were moving upward rapidly. College graduates were earning salaries that surpassed their former professors' salaries.

3. The boards of governors of many universities and colleges, as we have seen, included representatives of industries within whose corporate memories were employee-representational plans.

Would not the reintroduction of employee-representational plans, renamed academic senates, serve to forestall faculty unions for a generation? Wouldn't the idea of faculty participation in governance provide the facade of democratic appeal?

Even though many years of senate experience are behind us, it is too early to make a definitive statement on the future of academic senates and their relationship to bargaining agents. We do observe them playing a multiplicity of roles. Senates as bargaining agents are uncommon. Senate/bargaining agent coexistence appears to be the norm. But the most frequent senate role is that of providing a forum in which the collective-bargaining question can be debated.

Unionism in the corporate university

By 1970, American higher education found itself in a discernible new period, that of the Corporate University. In order to understand what campus employees expect from joining the union, it is crucial to know what motivates them toward collective bargaining. Much has been written by a variety of authors over the past several years attempting to answer this question. There have been few surprises. Fundamentally, they are motivated by the same reasons that any other group of employees ever joined a union—for the satisfaction of certain psychological, social, and economic needs. The particular emphasis on those factors may be different for campus employees, but they are the basic ingredients.

In industry, it has been observed "that the most compelling motives for union membership were an urge for self-expression, a desire to have a voice in the things that counted to them, an outlet for their creative drives, and the freedom of action to work out their own destiny in their own way...." To be sure, economics is not a secondary consideration for union membership or employees of any type—it is difficult to be secure in an insecure workplace. But to identify the present economic mess in which higher education finds itself as the primary cause for the growth of campus unions is extremely simplistic.

While traditionally, campus employees found more opportunity to fulfill their needs for self-expression, the intrusion of industrial-management methods and techniques into academe over the past 15 years has severely limited their self-expression and sharpened the contradictions. A new stage has evolved. We have witnessed the industrialization and systemization of the university.

There is no state where formerly independent and autonomous colleges have not been lumped together into educational conglomerates under the direction and supervision of some "coordinating agency." The effect of these agencies within a state has been devastating. Most of these institutions had distinguished themselves by the fact that they had something special to offer their students, staffs, and administrations. The unique characteristics of these individual campuses had been shaped by the faculty and staff, frequently in cooperation with the local administration. In almost all cases, the coordinating boards have destroyed college individuality and reconstituted it as a uniformized higher-education industry.

Simultaneously with the development of this uniform structure, other, even more calamitous, changes were taking place on individual campuses. Stampeded by pressures of increasingly hostile boards and legislatures, college administrations were rapidly adopting the management methods of corporate industry. Programmed Budgeting, Cost Benefit Analysis, and Management by Objectives became the catchwords while new administrative titles were given—Vice-President for Employee Relations, Vice-President for Public Relations, Senior Systems Analyst. Governance by collegiality fell victim to the two-bladed ax of productivity and efficiency.

In most colleges, there is no longer the freedom of action to work out individual destinies. Over the past decade, college and university employees suffered many losses of rights and privileges. Social conditions have changed. As a consequence, they are deprived of their one great individual bargaining fact—the ability to change employers. While they have lost this individual freedom, they are discovering in its place that they can obtain group freedom and academic democracy through collective bargaining. They can make a stand where they are.

American universities have emerged into great institutions, with many employees. Myron Lieberman says, "Professors are employees of institutions of higher education." Grouped in large numbers, like industrial workers and public-school teachers before them, they discerned that unionization could not only solve their economic problems, but in this new union way, they could interact "politically" with other academic interest groups and participate in collective bargaining as a form of academic governance. In this new democratic form, they will have achieved the opportunity to shape and mold the destiny of the American university.

A new tradition is straining for life in American universities. Through unionization, the professoriate is being reborn into communities of scholars.

II. ACADEMIC DEMOCRACY

Since college collective bargaining is an outgrowth of public-employee unionism and that in turn was born out of the struggles of the past century for industrial unionism, it is logical that we look backwards for an appropriate framework within labor history to help our study. Look to the 1930s! The basic thrust of the labor movement was the quest of workers for industrial democracy. In industry, industrial democracy meant an extension of the collective-bargaining process beyond grievances and salary adjustments. It called for an expansion of the bargaining relationship into the area of what workers saw as labor-management cooperation, affecting policy areas that would not only shape the future success of a company but of an entire industry. Applying this to the modern college or university, one is naturally led to the concept of academic democracy.

Academic democracy is the procedural framework, established by the collective-bargaining process, through which the principles of academic governance are put into practice.

Academic democracy does not mean "management by consensus," nor faculty control over university management. It means the establishment of democratic structures within the academy through which rational solutions to complex problems can be worked out and mutually agreed upon. It means to end administrative dictatorship in decision-making. It recognizes management prerogatives, but not at the expense of faculty and staff rights. It seeks to establish a respectful and productive relationship between university employees and management through a contract produced by bargaining collectively. It demands a redefinition of shared authority through the equalization process that occurs at the bargaining table.

Academic democracy in teaching

Academic democracy in teaching encompasses both the concept of academic freedom and the recognition that those who teach should have primary responsibility for what is taught and how it is taught.

It is a procedure and vehicle for establishing the concept of academic freedom as a practice and right of all members of the community of scholars. It recognizes that rights not protected by the force of a legal contract are easily eroded and seldom exercised. It recognizes the necessity of an administrative component in matters of general educational direction but denies that function in the area of educational philosophy.

Our role as educators must be insightful and searching, while the role of administrators should be that of facilitation and pragmatism. On such matters as high quality, accessible education, adequate economic compensation, and full employment and utilization of the nation's academics our goals ought to be the same.

What is presently lacking is a procedural framework within which these common goals can be achieved. Clearly, in order to be effective, these procedures and relationships must be mutually arrived at, have the force of law behind them, and be faithfully and responsibly executed. An additional ingredient is requisite: To reach mutual agreement, "good faith" is required of all parties involved. Good faith, however, just as academic freedom, is only a concept—for good faith to become a practice, it must be legalized as a responsibility.

Academic democracy differs from the traditional concepts of academic freedom in educational policymaking in that it recognizes that these are the rights and responsibilities of our collective profession, and that we are entitled to exercise these rights not only as individuals, but as a body.

The connection between academic freedom and tenure

Academic democracy recognizes that academic freedom and tenure are independent but organically related. The first is the right and responsibility of a scholar to exercise freedom of thought and speech above and beyond that level guaranteed to all citizens by the U.S. Constitution. The second is a profound arrangement to protect a scholar's academic freedom.

For whatever reasons, history, tradition, or common law practice, the wedding of these two concepts has engendered a discriminatory distortion within academe. That is, tenure, as a protection

of academic freedom—delayed for years—in fact denies that freedom to nearly half of the scholarly community. Worse than that, it denies protection of academic freedom to most of our youngest and brightest scholars at the time they need it most—at the fresh, creative, and bold beginnings of their careers. As yet untainted by departmental, institutional, and intradisciplinary politics and intrigues, entrants into the academy are forced to conform, to play it safe, to be traditional in their teaching and research, and to postpone the development, practice, and publication of their theories until after they have been housebroken, i.e., tenured.

We have all seen the results of this system—the bright ones leave and the ones who remain are all too often dull and conservative, or a frustrated combination of both. Academic freedom is too precious a commodity to be parcelled out in this way any longer.

Academic democracy requires that academic freedom be the right of every member of the scholarly community, by guaranteeing to nontenured faculty and professional employees academic freedom through contractual due process—a grievance procedure ending in binding, impartial, third-party arbitration. The tenured scholar acquires employment security as a property right—one benefit of a collectively bargained contract. Finally, academic democracy advances the social notion that all campus employees are entitled to job security. Nonreappointment, reduction in force, or any other employment separation must be accompanied with the assured right of due-processed seniority consideration.

Academic democracy in university planning

University employees, like their counterparts in other sectors of public and private employment, represent a large and relatively untapped reservoir of ideas that could make the institutions that employ them more efficient, productive, and accountable.

In the absence of any real job security, however, college employees are reluctant to help increase university productivity when the present system of "shared authority" immediately translates increases in productivity into decreases in jobs.

The key to democracy in university planning must include the participation of an organized faculty as a co-equal with management. When disagreement occurs, voluntary arbitration may be sought by mutual consent. Of these two groups, university employees are the only ones with a vested interest in university planning and therefore, is the group that has an uncompromised interest in full employment.

The introduction of academic democracy as a useful procedural framework in university planning is rooted in two established goals of the American labor movement: free and open access to public education for all of our citizens—a necessity for any free and democratic society—and full utilization of the nation's academics. The program we propose calls for the realization of "free and open student access" to higher education through a variety of means: free tuition, open admissions, a universal GI-type education-benefits bill, and other cost-free student-aid programs. It recognizes that changes in programs can and must occur if the university is to be more than an ivory-towered education factory. However, it is unacceptable that program changes should result in unemployment or underemployment.

Academic democracy requires that staff-development plans be established and funded so that those occupying positions in fields endangered by technological or programmatic obsolescence have the opportunity to "retool" and continue their careers in academe. A unionized staff with labor support can work with higher-education management to reverse the trends that have led us into the "new depression in academe."

Academic democracy and research

The research function of academics is far too important to entrust in the hands of a few university bureaucrats in the "Office of Research." The centralization of the control over faculty research within university management has been accomplished. These "officers of research" were originally established to aid the academic staff in their pursuit of knowledge—they have been perverted into shabby business agents for university management. Their quest is money—worse that that, easy and quick money. It is a sorry fact that the research officer of most universities has more influence on the type of research that is being done than do those involved in the actual projects. This system, while perhaps appropriate to corporate industry, is intolerable in the university.

Academic democracy in research involves the reassertion of faculty participation in research goals and priorities through the establishment of staff-research committees with the assured responsibility and authority for democratically representing the academic community's interests. These committees, so structured, working with management, can provide the necessary support to assure not only the integrity of the university's research mission, but aid in securing adequate funding to assure its success. Academic democracy requires that we take the softness out of "soft money" so that the lot of the researcher can be raised above that of itinerant and migratory scholar.

Academic democracy in hiring and promotion practices

We recognize that among all American institutions, our colleges and universities have the worst record of discrimination in hiring and promotion practices. We also observe that if the standard nondiscrimination clause of any union contract had been available and rigidly enforced, this discrimination would have been eradicated years ago.

The principles of academic democracy require that these practices be eliminated through strong affirmative-action programs incorporated into collective-bargaining contracts. Fundamental to our concept of what would be an effective affirmative-action program is the belief that no one group should succeed at the expense of another. We can think of no more sure way to destroy the affirmative-action movement than to have its implementation result in the displacement of persons already holding jobs. Affirmative-action programs must not be reduced to simplistic numbers games, but have the long-range goal of increasing the size of the available pool of qualified minority and female applicants while influencing an expanded job market. This can be accomplished by removing the bars to free and open access to higher education. Removal of these constraints will lead to enormous increases in student enrollment and thereby expand the number of available academic positions.

The principles of academic governance are rarely practiced today. In the vast majority of institutions, the only visible remains of "faculty governance" is the jargon of a too often mythical past. Even in the few institutions where there is a semblance of "shared authority," its practice is contingent upon the gratuity of a benevolent and too frequently paternalistic administration.

Why has "self-governance" remained such an illusory objective? Simple: There has never been any procedural framework within which its practice becomes a mandated responsibility of both staff and administration. In the final analysis, the relationship between academic governance and academic democracy is much the same as that of the main body of the U.S. Constitution and the Bill of Rights. The latter is a set of principles, the former a set of procedures which guarantees that these principles will be put into practice and protected. Just as statutory law and the electoral processes implement the Constitution, collective bargaining will effectuate the principles of academic democracy. □□□

This publication is an adaptation of an article originally published under the title "The Rocky Road to Academic Democracy" in *Changing Education*, March, 1976

The American Federation of Teachers was founded in 1915. Prominent in that event was Professor John Dewey of Columbia University. AFT has a long and proud tradition in American higher education, with the first college local chartered at Howard University in 1918. The AFT's college constituency has included some of our nations most significant scholars and political leaders—among these are Professor Albert Einstein, Senators Mike Mansfield, George McGovern, and Hubert Humphrey, while Professor Jerome Davis of Yale and the late Professor George Counts of Columbia have been past presidents of the organization.

During the late sixties, it was college membership of the AFT that initiated the drive to bring collective bargaining to the campuses with the hope that true academic democracy could be established through this process. This hope was perhaps best expressed by Upton Sinclair in the *Goose-Step* (1922) where he said:

"The all-important fact in the situation is this; any time the college professors of America get ready to take control of their own destinies, and of the intellectual life of their institutions, they can do it. There is not a college or university in the United States today which could resist the demands of its faculty a hundred percent organized and meaning business."

Today, there are 60,000 AFT college members bargaining on nearly 200 campuses. Finally, Mr. Sinclair's challenge of 50 years ago is being realized.

For an informational packet on the American Federation of Teachers higher education organizing activities, write

Robert Nielsen, Director
Colleges and Universities Department
American Federation of Teachers
11 Dupont Circle, N.W.
Washington, D.C. 20036